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MOTION UNDER <u>28 U.S.C.</u> § <u>2255</u> TO VACATE, SET ASIDE, OR CORRECT SENTENCE BY A PERSON IN FEDERAL CUSTODY

Unit	ed States District Court	District		
Name	(under which you were convicted):			Docket or Case No.:
Place	of Confinement:		Prisoner No.	:
UNIT	ED STATES OF AMERICA	V.	Movant (include n	ame under which convicted)
		MOTION		
1.	(a) Name and location of court whic	h entered the judgment	t of conviction you a	re challenging:
	(b) Criminal docket or case number	(if you know):		
2.	(a) Date of the judgment of conviction(b) Date of sentencing:			
3.	Length of sentence:			
4.	Nature of crime (all counts):			
5.	(a) What was your plea? (Check on (1) Not guilty □		(3) No	lo contendere (no contest)
6.	(b) If you entered a guilty plea to on what did you plead guilty to and wh			a to another count or indictment,
6.	If you went to trial, what kind of tria	al did you have? (Chec	ck one) Ju	ry □ Judge only □
7.	Did you testify at a pretrial hearing,	trial, or post-trial heari	ing? Yes □	No □

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AO 243 (Rev. 09/17) Did you appeal from the judgment of conviction? Yes \square No 🗆 8. 9. If you did appeal, answer the following: (a) Name of court: (b) Docket or case number (if you know): (c) Result: (d) Date of result (if you know): (e) Citation to the case (if you know): (f) Grounds raised: Yes \square (g) Did you file a petition for certiorari in the United States Supreme Court? No \square If "Yes," answer the following: (1) Docket or case number (if you know): (2) Result: (3) Date of result (if you know): (4) Citation to the case (if you know): (5) Grounds raised: 10. Other than the direct appeals listed above, have you previously filed any other motions, petitions, or applications, concerning this judgment of conviction in any court? Yes □ № П If your answer to Question 10 was "Yes," give the following information: 11. (a) (1) Name of court: (2) Docket or case number (if you know):

(3) Date of filing (if you know):

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(4)	Nature of the proceeding:
(5)	
-	
(6)	Did you receive a hearing where evidence was given on your motion, petition, or application?
	Yes □ No □
(7)	Result:
(8)	Date of result (if you know):
(b) If y	you filed any second motion, petition, or application, give the same information:
(1)	
(2)	Docket of case number (if you know):
(3)	Date of filing (if you know):
(4)	Nature of the proceeding:
(5)	Grounds raised:
(6)	
(7)	Yes No
(7)	
(8)	
	d you appeal to a federal appellate court having jurisdiction over the action taken on your motion, petition ication?
(1)	
(2)	
` ′	you did not appeal from the action on any motion, petition, or application, explain briefly why you did not

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For this motion, state every ground on which you claim that you are being held in violation of the Constitution,

laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts

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12.

(a)	Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):
(b)	Direct Appeal of Ground One:
(-)	(1) If you appealed from the judgment of conviction, did you raise this issue?
	Yes □ No □
	(2) If you did not raise this issue in your direct appeal, explain why:
(c)	Post-Conviction Proceedings:
	(1) Did you raise this issue in any post-conviction motion, petition, or application?
	Yes □ No □
	(2) If you answer to Question (c)(1) is "Yes," state:
	Type of motion or petition:
	Name and location of the court where the motion or petition was filed:
	Docket or case number (if you know):
	Date of the court's decision:
	Result (attach a copy of the court's opinion or order, if available):

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(4) Did you appeal from the denial of your motion, petition, or application? (5) If your answer to Question (c)(4) is "Yes," did you raise the issue in the appeal? Yes \square No □ (6) If your answer to Question (c)(4) is "Yes," state: Name and location of the court where the appeal was filed: Docket or case number (if you know): Date of the court's decision: Result (attach a copy of the court's opinion or order, if available): (7) If your answer to Question (c)(4) or Question (c)(5) is "No," explain why you did not appeal or raise this issue: GROUND TWO: (a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.): (b) Direct Appeal of Ground Two: (1) If you appealed from the judgment of conviction, did you raise this issue? Yes □ No □

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Post-Conviction Proceedings: (1) Did you raise this issue in any post-conviction motion, petition, or application? Yes □ No □ (2) If you answer to Question (c)(1) is "Yes," state: Type of motion or petition: Name and location of the court where the motion or petition was filed: Docket or case number (if you know): Date of the court's decision: Result (attach a copy of the court's opinion or order, if available): (3) Did you receive a hearing on your motion, petition, or application? Yes □ No □ (4) Did you appeal from the denial of your motion, petition, or application? Yes □ No □ (5) If your answer to Question (c)(4) is "Yes," did you raise the issue in the appeal? Yes □ No □	(2)	If you did not raise this issue in your direct appeal, explain why:
(1) Did you raise this issue in any post-conviction motion, petition, or application? Yes □ No □ (2) If you answer to Question (c)(1) is "Yes," state: Type of motion or petition: Name and location of the court where the motion or petition was filed: Docket or case number (if you know): Date of the court's decision: Result (attach a copy of the court's opinion or order, if available): (3) Did you receive a hearing on your motion, petition, or application? Yes □ No □ (4) Did you appeal from the denial of your motion, petition, or application? Yes □ No □ (5) If your answer to Question (c)(4) is "Yes," did you raise the issue in the appeal?		
Yes \Box \No \Box \(\) (2) If you answer to Question (c)(1) is "Yes," state: Type of motion or petition: Name and location of the court where the motion or petition was filed: Docket or case number (if you know): Date of the court's decision: Result (attach a copy of the court's opinion or order, if available): (3) Did you receive a hearing on your motion, petition, or application? Yes \Box \No \Box \ (4) Did you appeal from the denial of your motion, petition, or application? Yes \Box \No \Box \ (5) If your answer to Question (c)(4) is "Yes," did you raise the issue in the appeal?	Pos	t-Conviction Proceedings:
(2) If you answer to Question (c)(1) is "Yes," state: Type of motion or petition: Name and location of the court where the motion or petition was filed: Docket or case number (if you know): Date of the court's decision: Result (attach a copy of the court's opinion or order, if available): (3) Did you receive a hearing on your motion, petition, or application? Yes □ No □ (4) Did you appeal from the denial of your motion, petition, or application? Yes □ No □ (5) If your answer to Question (c)(4) is "Yes," did you raise the issue in the appeal?	(1)	Did you raise this issue in any post-conviction motion, petition, or application?
Type of motion or petition: Name and location of the court where the motion or petition was filed: Docket or case number (if you know): Date of the court's decision: Result (attach a copy of the court's opinion or order, if available): (3) Did you receive a hearing on your motion, petition, or application? Yes \Boxtimes No \Boxtimes (4) Did you appeal from the denial of your motion, petition, or application? Yes \Boxtimes No \Boxtimes (5) If your answer to Question (c)(4) is "Yes," did you raise the issue in the appeal?		Yes □ No □
Name and location of the court where the motion or petition was filed: Docket or case number (if you know): Date of the court's decision: Result (attach a copy of the court's opinion or order, if available): (3) Did you receive a hearing on your motion, petition, or application? Yes □ No □ (4) Did you appeal from the denial of your motion, petition, or application? Yes □ No □ (5) If your answer to Question (c)(4) is "Yes," did you raise the issue in the appeal?	(2)	If you answer to Question (c)(1) is "Yes," state:
Docket or case number (if you know): Date of the court's decision: Result (attach a copy of the court's opinion or order, if available): (3) Did you receive a hearing on your motion, petition, or application? Yes \(\subseteq \text{No} \subseteq \) (4) Did you appeal from the denial of your motion, petition, or application? Yes \(\subseteq \text{No} \subseteq \) (5) If your answer to Question (c)(4) is "Yes," did you raise the issue in the appeal?	Тур	e of motion or petition:
Date of the court's decision: Result (attach a copy of the court's opinion or order, if available): (3) Did you receive a hearing on your motion, petition, or application? Yes \Boxtimes No \Boxtimes (4) Did you appeal from the denial of your motion, petition, or application? Yes \Boxtimes No \Boxtimes Yes \Boxtimes No \Boxtimes (5) If your answer to Question (c)(4) is "Yes," did you raise the issue in the appeal?	Nan	ne and location of the court where the motion or petition was filed:
Date of the court's decision: Result (attach a copy of the court's opinion or order, if available): (3) Did you receive a hearing on your motion, petition, or application? Yes \Boxtimes No \Boxtimes (4) Did you appeal from the denial of your motion, petition, or application? Yes \Boxtimes No \Boxtimes Yes \Boxtimes No \Boxtimes (5) If your answer to Question (c)(4) is "Yes," did you raise the issue in the appeal?	Doc	ket or case number (if you know):
Result (attach a copy of the court's opinion or order, if available): (3) Did you receive a hearing on your motion, petition, or application? Yes \Boxedow No \Boxedow (4) Did you appeal from the denial of your motion, petition, or application? Yes \Boxedow No \Boxedow Yes \Boxedow No \Boxedow (5) If your answer to Question (c)(4) is "Yes," did you raise the issue in the appeal?		e of the court's decision:
Yes ☐ No ☐ (4) Did you appeal from the denial of your motion, petition, or application? Yes ☐ No ☐ (5) If your answer to Question (c)(4) is "Yes," did you raise the issue in the appeal?	Res	
Yes ☐ No ☐ (4) Did you appeal from the denial of your motion, petition, or application? Yes ☐ No ☐ (5) If your answer to Question (c)(4) is "Yes," did you raise the issue in the appeal?		
Yes ☐ No ☐ (4) Did you appeal from the denial of your motion, petition, or application? Yes ☐ No ☐ (5) If your answer to Question (c)(4) is "Yes," did you raise the issue in the appeal?		
 (4) Did you appeal from the denial of your motion, petition, or application? Yes □ No □ (5) If your answer to Question (c)(4) is "Yes," did you raise the issue in the appeal? 	(3)	Did you receive a hearing on your motion, petition, or application?
Yes ☐ No ☐ (5) If your answer to Question (c)(4) is "Yes," did you raise the issue in the appeal?		Yes □ No □
(5) If your answer to Question (c)(4) is "Yes," did you raise the issue in the appeal?	(4)	Did you appeal from the denial of your motion, petition, or application?
		Yes □ No □
Yes □ No □	(5)	If your answer to Question (c)(4) is "Yes," did you raise the issue in the appeal?
		Yes □ No □
(6) If your answer to Question (c)(4) is "Yes," state:	(6)	If your answer to Question (c)(4) is "Yes," state:
Name and location of the court where the appeal was filed:	Nan	ne and location of the court where the appeal was filed:
Docket or case number (if you know):	Doc	eket or case number (if you know):
Date of the court's decision:		
Result (attach a copy of the court's opinion or order if available):		ult (attach a copy of the court's opinion or order if available):
Result (attach a copy of the court's opinion of order, if available).		
(7) If your answer to Question (c)(4) or Question (c)(5) is "No," explain why you did not appeal or raise th	(7)	If your answer to Question $(c)(4)$ or Question $(c)(5)$ is "No" explain why you did not appeal or raise this
issue:		

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IND	O THREE:
(a)	Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):
(b)	Direct Appeal of Ground Three:
	(1) If you appealed from the judgment of conviction, did you raise this issue?
	Yes □ No □
	(2) If you did not raise this issue in your direct appeal, explain why:
(c)	Post-Conviction Proceedings:
(0)	(1) Did you raise this issue in any post-conviction motion, petition, or application?
	Yes No
	(2) If you answer to Question (c)(1) is "Yes," state:
	Type of motion or petition:
	Name and location of the court where the motion or petition was filed:
	Traine and rocation of the court where the motion of petition was free.
	Docket or case number (if you know):
	Date of the court's decision:
	Result (attach a copy of the court's opinion or order, if available):
	(2) Dil : 1 : 1 : 2 : 2 : 2 : 2 : 2 : 2 : 2 : 2
	(3) Did you receive a hearing on your motion, petition, or application?
	Yes □ No □
	(4) Did you appeal from the denial of your motion, petition, or application?
	Yes □ No □
	(5) If your answer to Question (c)(4) is "Yes," did you raise the issue in the appeal?
	Yes □ No □

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	Name and location of the court where the appeal was filed:
I	Docket or case number (if you know):
I	Date of the court's decision:
I	Result (attach a copy of the court's opinion or order, if available):
	7) If your answer to Question (c)(4) or Question (c)(5) is "No," explain why you did not appeal or raise the
	ssue:
_	
_	
ND	FOUR:
(a) S	Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):
(h) I	Divert Appeal of Cround Form
	Direct Appeal of Ground Four: (1) If you appealed from the judgment of conviction, did you raise this issue?
	(1) If you appealed from the judgment of conviction, did you raise this issue?
(
((1) If you appealed from the judgment of conviction, did you raise this issue? Yes □ No □
((1) If you appealed from the judgment of conviction, did you raise this issue? Yes □ No □
(c) I	1) If you appealed from the judgment of conviction, did you raise this issue? Yes No Solution 12) If you did not raise this issue in your direct appeal, explain why:

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13.

Тур	e of motion or petition:
Nan	ne and location of the court where the motion or petition was filed:
Dog	ket or case number (if you know):
	e of the court's decision:
	ult (attach a copy of the court's opinion or order, if available):
ICS	and (attach a copy of the court's opinion of order, if available).
(3)	Did you receive a hearing on your motion, petition, or application?
	Yes □ No □
(4)	Did you appeal from the denial of your motion, petition, or application?
	Yes □ No □
(5)	If your answer to Question (c)(4) is "Yes," did you raise the issue in the appeal?
	Yes □ No □
(6)	If your answer to Question (c)(4) is "Yes," state:
Nan	ne and location of the court where the appeal was filed:
Res	ult (attach a copy of the court's opinion or order, if available):
(7) issu	If your answer to Question (c)(4) or Question (c)(5) is "No," explain why you did not appeal or raise this e:
	any ground in this motion that you have <u>not</u> previously presented in some federal court? If so, which or grounds have not been presented, and state your reasons for not presenting them:

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g) On appeal from any ruling against you in a post-conviction proceeding:
Vere you sentenced on more than one court of an indictment, or on more than one indictment, in the same court
nd at the same time? Yes \square No \square
Oo you have any future sentence to serve after you complete the sentence for the judgment that you are hallenging? Yes No
a) If so, give name and location of court that imposed the other sentence you will serve in the future:
b) Give the date the other sentence was imposed:
c) Give the length of the other sentence:
d) Have you filed, or do you plan to file, any motion, petition, or application that challenges the judgment or
entence to be served in the future? Yes \square No \square

A one-year period of limitation shall apply to a motion under this section. The limitation period shall run from the latest of -

- (1) the date on which the judgment of conviction became final;
- (2) the date on which the impediment to making a motion created by governmental action in violation of the Constitution or laws of the United States is removed, if the movant was prevented from making such a motion by such governmental action;
- (3) the date on which the right asserted was initially recognized by the Supreme Court, if that right has been newly recognized by the Supreme Court and made retroactively applicable to cases on collateral review; or
- (4) the date on which the facts supporting the claim or claims presented could have been discovered through the exercise of due diligence.

^{*} The Antiterrorism and Effective Death Penalty Act of 1996 ("AEDPA") as contained in <u>28 U.S.C. § 2255</u>, paragraph 6, provides in part that:

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Therefore, movant asks that the Court grant the	e following relief:
1. 64 - 1.1	201. 1
or any other relief to which movant may be en	titled.
	Signature of Attorney (if any)
declare (or certify, verify, or state) under pen	alty of perjury that the foregoing is true and correct and that this Motion
	on mailing system on
under <u>28 U.S.C. § 2255</u> was placed in the priso	(month, date, year)
under <u>28 U.S.C. § 2255</u> was placed in the priso	(month, date, year)
under <u>28 U.S.C. § 2255</u> was placed in the priso	(month, date, year)
under <u>28 U.S.C. § 2255</u> was placed in the priso	(month, date, year)
under 28 U.S.C. § 2255 was placed in the prise	(month, date, year) (date) Signature of Movant
under 28 U.S.C. § 2255 was placed in the prise	(month, date, year) (date)
under 28 U.S.C. § 2255 was placed in the prison	(month, date, year) (date) Signature of Movant